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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,227	06/20/2003	Gerald P. Fox	TIMK 8302 C1	9793

1688 7590 03/08/2004

POLSTER, LIEDER, WOODRUFF & LUCCHESI  
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EXAMINER

WRIGHT, DIRK

ART UNIT PAPER NUMBER

3681

DATE MAILED: 03/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/600,227

Applicant(s)

FOX, GERALD P.

Examiner

Dirk Wright

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-18 is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-14 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/11/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

***Claims Rejected***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3, 4, 7-9, 13 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 3 and 13, the term “downwardly” is undefined within the claims and is therefore indefinite.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 10, 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Wildhaber '966. Wildhaber shows a planet gear with a pair of taper roller bearings 69, wherein the configuration includes a lubrication gap (unlabeled, see figure 6) and pockets (unlabeled, see figure 6) between the gear and the carrier support.

Claims 1, 2, 3, and 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Marquardt '890 and Chamberlain '972. Marquardt shows a pair of taper roller bearings (unlabeled, see figure 1) supporting planet gear 18, including a lubrication gap and pocket (neither labeled, see figure 1). Chamberlain also shows a pair of taper roller bearings (not labeled, see figure 4) with lubrication gaps and pockets (not labeled, see figure 4).

Claims 1, 2, 5, 10 and 12 rejected under 35 U.S.C. 102(b) as being anticipated by Peterson '655. Peterson shows a pair of spherical bearings 43 supporting planet gears 27, with

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lubrication gaps (not labeled, see the figure). The inner races of the bearings are formed integral with the planet pinion shaft 37.

Claims 1, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by DE '605 and Farrell '528. DE '605 shows a planet pinion 4 supported by roller bearings 6 with lubrication gaps and pockets (not labeled, see the figure). Farrell likewise shows needle bearings 41 supporting a planet pinion 14A with lubrication gaps and pockets (not labeled, see the figure).

### *Claims Objected*

Claim 6 is objected to because it contains allowable subject matter yet depends from a rejected independent claim. The subject matter is allowable because the prior art does not anticipate nor render obvious the invention of a roller bearing for planet pinion wherein the inner race for the bearings is supported by a sleeve coaxial with a core shaft. The claim would be allowable if it were written in independent form including all of the limitations of the independent claim.

Claims 4, 7-9, and 14 contain allowable subject matter and would be allowable if they were written in independent form, including all of the limitation of the independent claim and any intervening claims, as well as if the rejections under 35 USC 112, second paragraph, were overcome. The subject matter is allowable because the prior art does not anticipate nor render obvious the invention of a roller bearing for a planet pinion wherein a thrust rib is provided to prevent axial movement of the bearing rollers, or a rib ring is provided for retaining the rollers.

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***Claims Allowed***

Claims 15-18 are allowed because claim 15 includes a rib ring in the recited bearing structure, as well as the combination of a taper roller bearing, a lubrication gap and a pocket to support a planet gear on a pin with a thrust rib.

***Prior Art Discussed***

The examiner has considered the references cited by applicant in his Information Disclosure Statements, filed October 27, 2003 and December 11, 2003. The references not included in the rejections above fail to show either a lubrication gap or a pocket as required.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dirk Wright whose telephone number is 703-308-2160. The examiner can normally be reached on Monday through Friday, 8AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 703-308-0830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dirk Wright

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Primary Examiner

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A handwritten signature in black ink, appearing to be 'J. H. Smith', written over the printed name of the Primary Examiner.

DW

Saturday, March 06, 2004